

TENTATIVE RULINGS for CIVIL LAW and MOTION

May 3, 2010

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Eight: (530) 406-6942

TENTATIVE RULING

Case: Beesley v. K.H. Moss Co.

Case No. CV CV 09-1189

Hearing Date: May 3, 2010 Department Eight 4:00 p.m.

Plaintiffs' motion to compel K.H. Moss Co. to provide further interrogatory responses and for monetary sanctions: The Court considered the merits of this motion because K.H. Moss Co. submitted a substantive opposition brief. The motion is **GRANTED** as to special interrogatory nos. 113, 114, 119 and 120. (Code Civ. Proc., § 2030.300.) K.H. Moss Co. shall serve verified supplemental responses to these interrogatories, with no further objections, **by no later than May 10, 2010.**

The motion as to special interrogatory nos. 14, 116, and 117 is **GRANTED** as follows. The Court finds that the information requested in these interrogatories is directly relevant to the plaintiffs' discrimination, wrongful discharge, and defamation causes of action and the grounds for the defendants' summary adjudication motion as to such causes of action. The information sought – names, addresses and telephone numbers – is not particularly sensitive. There is a strong interest in obtaining just results in litigation and preventing unlawful discrimination in employment. The discovery statute recognizes that the identity and location of witnesses are discoverable. There is no contention that the plaintiffs can obtain the requested information from an alternate source. However, to protect the privacy rights of third parties, the Court adopts the procedure used in *Pioneer Electronics (USA), Inc. v. Superior Court of Los Angeles County* (2007) 40 Cal.4th 360.

Counsel are directed to meet and confer about the language for a notice to customers. Defense counsel shall submit a letter brief to the Court, with a copy of opposing counsel, **by no later than May 10, 2010**, concerning the proposed language for such notice. The notice should set a deadline for customers to notify defense counsel of their objection to disclosure and the grounds for such objection. If Plaintiffs object to the proposed language for the notice to customers, Plaintiffs' counsel must submit proposed language to the Court, with a copy of opposing counsel, **by May 12, 2010.** A further hearing is set for Monday, May 24, 2010, at 3:30 p.m. in Department Eight, for the purpose of a ruling on the language of the notice to customers.

K.H. Moss Co. shall serve a verified supplemental response containing the information requested in special interrogatory nos. 14, 116, and 117 as to all non-objecting customers within ten (10) calendar days of the deadline for customers to submit objections.

If it receives any objections from customers, K.H. Moss Co. shall contact the clerk for Department Eight at (530) 406-6942, to set a hearing for the purpose of a ruling on the objections. K.H. Moss Co. shall submit under seal for the Court's *in camera* review a copy of all objections from customers. Seven (7) court days before the hearing on objections from customers, K.H. Moss Co. may file a supplemental brief in support of the objections. Plaintiffs may file a response to K.H. Moss Co.'s supplemental brief no later than three (3) court days before the hearing.

Plaintiffs' request for monetary sanctions against K.H. Moss Co. is **GRANTED** in the amount of \$790.00. (Code Civ. Proc., § 2030.300, subd. (d).)

Plaintiffs' request for a continuance of the hearing on the defendants' motion for summary judgment or, in the alternative, summary adjudication: This request is **GRANTED**. (Code Civ. Proc., § 437c, subd. (h).) Plaintiffs' counsel is **DIRECTED TO APPEAR** and to inform the Court of the amount of time the plaintiffs need to obtain the discovery they believe is necessary to oppose the defendants' summary judgment/ adjudication motion.

The Court is inclined to vacate the June 1, 2010, trial date and to continue the discovery cut-off date. Counsel are directed to appear and to address this issue.

Defendants' motion for summary judgment or, in the alternative, summary adjudication: The hearing on this motion shall be continued to a date to be determined at the May 3, 2010, hearing.

Plaintiffs did not file a memorandum of points and authorities in opposition to the defendants' summary judgment/adjudication motion, as required by California Rules of Court, rule 3.1350(e)(1). Plaintiffs also failed to submit a separate statement responding to each of the material facts the defendants contend to be undisputed, as required under Code of Civil Procedure section 437c, subdivision (b)(3) and California Rules of Court, rule 3.1350(f). Plaintiffs must timely file and serve these required papers.

Counsel are reminded that they must comply with the requirements of the Code of Civil Procedure and the Rules of Court, including those requirements relating to notices of motion and the timely filing of papers. The Court may disregard non-compliant papers in the future.